



Meeting Summary

**ADEQ WATER QUALITY DIVISION
TRIENNIAL REVIEW
2018 STAKEHOLDER MEETING SUMMARY**

DATE: Sept. 12, 2018
TIME: 9-11:45 a.m.
LOCATION: Pima County Joel D. Valdez Main Library, Lower Level Meeting Room,
101 N. Stone Ave., Tucson

STAKEHOLDER ATTENDEES (Attached)

ADEQ STAFF

Krista Osterberg
Afag Abbasova
Rik Gay
Sam Rector

Patti Spindler
Jason Sutter
Heidi Welborn

ADDITIONAL ATTENDEES

Theresa Gunn, GCI
Kelly Cairo, GCI

AGENDA

The complete agenda is available online and includes:

- Review Agenda and Introductions
- Welcome
- Rule Changes and Stakeholder Input
- Next Steps
- Evaluation

REVIEW AGENDA AND INTRODUCTIONS

Meeting facilitator Theresa Gunn greeted attendees and facilitated introductions. Approximately 25 stakeholders participated in the meeting, with 16 attending in person and nine via WebEx or conference call. Some attendees may not have identified themselves.

WELCOME

Krista Osterberg welcomed the group and expressed her appreciation for those attending the meeting. She explained that the Triennial Review meetings are designed to continue to gather

stakeholder input on the draft rule prior to the formal public hearing process in order to put forward the best possible rule during the formal process.

RULE CHANGES AND STAKEHOLDER INPUT

ADEQ staff members presented rule changes and requested comments and questions regarding the following topics:

- Section 101: Definitions
- Section 107: Antidegradation
- Section 109: Numeric Water Quality Standards
- Section 114: Mixing Zones
- Section 115: Site Specific Standards
- Section 120: Enforcement
- Section 122: Variances
- Appendix A: Numeric Water Quality Standards
- Appendix B: Surface Waters and Designated Uses
- Appendix C: Site-Specific Standards

Additionally, Osterberg reviewed topics for which stakeholders suggested changes, but were not acted upon.

The presentation is available online at:

http://static.azdeq.gov/wqd/tri_rev_presentation_091418.pdf

Highlights of questions:

Section 101: Definitions

- Is ADEQ required to define reference conditions?

Section 107: Antidegradation

- Does the current rule require baseline characterization?
- Is antidegradation used for AZPDES only?
- Does the potential discharger provide the data?
- Cochise County has MS4 systems. Is it correct that ADEQ has handed off AZPDES responsibility to Cochise County?

Section 109: Numeric Water Quality Standards

- Why are different percentiles used for full body contact vs. partial?

- What does “statistical threshold value” mean and why the language difference (vs. single sample max)?
- Why is ADEQ not including intermittent streams, and small intermittent reaches within larger ephemeral streams in the revised Nutrient criteria language?
- In practice, how does the director make a decision? Would the director have the authority to apply a standard to an intermittent stream?
- Are Davidson Canyon and Cienega Creek protected?

Section 114: Mixing Zones

- Will there be a workshop or training on mixing zones?
- Does “as small as practicable” mean length?

Section 115: Site Specific Standards

No Comments

Section 120: Enforcement

- How does this apply to waters of the state in practice?
- Is MS4 considered AZPDES?

(Comment): Will non-permitted dischargers be held to less stringent standards than permittees?

Section 122: Variances

- Will ADEQ grant a temporary variance while we wait for the next Triennial Review?
- The “preclude attainment” scenario is occurring on the San Pedro to its detriment. San Pedro is in decline; would a variance allow pollution to continue? Should lower water quality be allowed where the river water quality has been changed by climate change? Do any states have waterbody specific variances? Is there a way to solve this issue?
- Variances so far have been given to permittees, not waterbodies. Under EPA rule, it would allow a waterbody variance. Would ADEQ consider waterbody specific variances?
- How will the public process be applied and how long will it take to approve a variance?
- If a standard changes, all wastewater treatment plants will have to comply. Would all WWTP be allowed sufficient time to comply with new WQS?
- Due to changes in standards, can we apply for the variance process prior to the permit renewal date?

(Comment): I appreciate the staff’s work represented in this process.

(Comment): On p. 70, regarding, “the director considers factors...” I would highlight the importance of prevention. This is especially important regarding predicted safe exposure and the likelihood of exposure. The methodology from ADEQ is extremely important.

Appendix A

- How can we obtain the Meyers document regarding Unionidae?
- What species is used for areas where Unionidae are not present?
- How do we enforce (in permits) standards where the practical quantification level (PQL) is greater than the actual standard?
- What is the status of perfluorooctyl sulfonate (PFOS)?

Appendix C

- How do these changes affect Davidson Canyon and Cienega Creek?

NEXT STEPS

Staff explained that informal comments are due on Sept. 28.

There will be an additional formal process after this step which will also allow for an additional 45-day comment period, with a formal public hearing.

However, staff would appreciate any informal comments stakeholders may have as soon as possible in order to propose the best rule possible, and to prevent having to re-notice the proposed rule should any necessary substantive changes be identified later.

Once the rule is finalized, it will be sent to EPA who must either approve or disapprove each change they have authority to act on, and must do so in their allotted time.

Timeline

- September 28, 2018 – Stakeholders’ Informal Comments on Draft Rule Due
 - Email: WaterQualityStandards@azdeq.gov
 - Draft Rule: <http://www.azdeq.gov/draft-and-proposed-rule-water-quality-division>
- November 2018 – ADEQ intends to file the proposed rule with the Secretary of State
- December 2018 – Formal Comment Period Begins (45 Days)
- January 2019 – Public Hearing and Close Formal Comment
- April/May 2019 – Governor’s Regulatory Review Council (GRRC)

- July 2019 – Anticipated Effective Date

EVALUATION

Theresa requested that stakeholders complete meeting evaluations. The meeting evaluation was also available online through Sept. 16. Results are attached.

STAKEHOLDER ATTENDEES (IN PERSON AND BY PHONE) AND ORGANIZATION

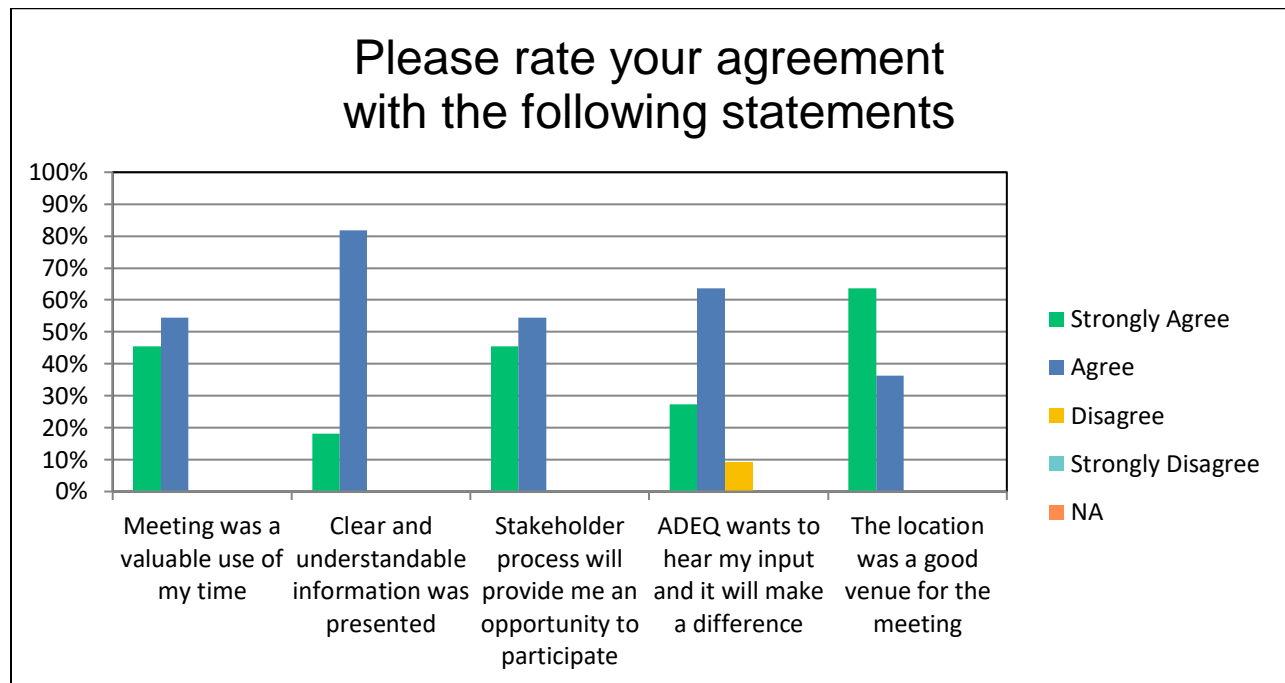
Jeremy Abbott	Lake Havasu City
Kathy Arnold	Rosemont Copper Company
Jennifer Becker	Pima County
Steve Brown	Save the Scenic Santa Ritas
Kathleen Chavez	Pima County
Leah Dennis	City of Yuma
Jim Dubois	Pima County
Julia Fonseca	Pima County Office of Sustainability and Conservation
Lonnie Frost	Pinal County
Belinda Gamboa-Felix	Pima County Reg. Wastewater
Tricia Gerrodette	
Nicole Gillett	Tucson Audubon Society
Glenn Hoeger	Carollo Engineering
Jerry Kachenko	Arizona Petroleum
Elizabeth Leibold	City of Tucson Stormwater Management
Marie Light	PDEA
Melanie Mizell	Community Water Coalition
Mark Murphy	
David Scalero	Pima County Regional Flood Control District
Ivy Schwartz	Community Water Coalition of S. Arizona
Mark Severson	Bison Engineering, Inc.
Mary Jo Sheldon-DeVito	
Tom Swenson-Healey	
Oren Thomas	

ADEQ STAKEHOLDER MEETING EVALUATION RESULTS

Eleven stakeholders returned a meeting evaluation survey. Stakeholders did not answer all questions.

Attendees were asked to rate their agreement (Strongly Agree, Agree, Disagree, Strongly Disagree, Not Apply) with the following statements:

- Meeting was a valuable use of my time
- Clear and understandable information was presented
- Stakeholder process will provide me an opportunity to participate
- ADEQ wants to hear my input and it will make a difference
- The location was a good venue for the meeting



What was the best thing about today?

- Candor and knowledgeability of staff.
- Dialogue and receptivity of staff.
- Good conversation/explanations.
- Heard from multiple people who had worked on the rule.
- Moderator was excellent and asked question when audience was silent. Number of staff available to answer questions. Info available on emails from Stormwater Coalition was helpful to have when going over info in meeting.
- Q and A.

What should be changed for future meetings?

- Late start, check AV before meeting.
- More advertising, confirmation of stakeholder attendance for those that made the email reservations. (I was not on the sign in sheet although I had made reservations.)